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8 Debt Acquisition Company
9 of America, LLC

10 UNITED STATES BANKRUPTCY COURT

11 DISTRICT OF NEVADA

12 In re
13 USA COMMERCIAL MORTGAGE
14 COMPANY,

15 Debtor.

16 DEBT ACQUISITION COMPANY
17 OF AMERICA V, LLC,
18 A California limited liability company,

19 Plaintiff

20 v.

21 MESA VERDE RE VENTURES, LLC ,
22 a California limited liability company; et al,

23 Defendants.

24 Case No. BK-S-06-10725

25 Chapter 11

26 STATEMENT OF POSITION RECEIVED BY
27 COUNSEL FOR MOVANT RE:

28 EX PARTE MOTION FOR TEMPORARY
RESTRANDING ORDER AND FOR ORDER
TO SHOW CAUSE WHY A PRELIMINARY
INJUNCTION SHOULD NOT ISSUE

**TRO REQUESTED TO ISSUE PRIOR TO
OCTOBER 19, 2011**

29 Attached hereto is a copy of a letter to the Court stating the position of Defendant Mesa
30 Verde RE Ventures, LLC, with respect to DACA's Ex Parte Motion for Temporary Restraining
31 Order and for Order to Show Cause Why a Preliminary Injunction Should Not Issue, a copy of
32 which was received by counsel for DACA.

33 Dated: October 17, 2011

KIRBY & MCGUINN, A P.C.

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37 By: /s/ Dean T. Kirby, Jr.
38 Dean T. Kirby, Jr.
39 Attorneys for Plaintiff
40 Debt Acquisition Company of America V, LLC

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Via Facsimile

October 17, 2011

The Hon. Linda B. Reigle
United States Bankruptcy Court
District of Nevada
Foley Federal Building and U.S. Courthouse
300 Las Vegas Boulevard South
Las Vegas, CA 89101

Re: In re USA Commercial Mortgage Company; USBC Case No. BK-S-06-10725
Debt Acquisition Company of America V, LLC vs.
Mesa Verde RE Ventures, LLC; Adv. No. 11-01293-lbr

10/18/11 9:30 a.m. - Telephonic Appearance Requested

Dear Judge Reigle:

Mesa Verde RE Ventures LLC, defendant in the above-referenced adversary proceeding ("Mesa Verde"), takes no position with respect to the specific relief requested in the Ex Parte Motion For Temporary Restraining Order and for Order to Show Cause Why a Preliminary Injunction Should Not Issue (the "Motion") filed by Debt Acquisition Company Of America V, LLC. Mesa Verde reserves any and all of its rights, claims and defenses as set forth in (i) that certain Settlement Agreement and Mutual Release of Claims between Mesa Verde RE Ventures LLC and Debt Acquisition Company of America V LLC, and (ii) Mesa Verde's confirmed Second Chapter 11 Plan of Reorganization confirmed in Case No. 8:10-12757 pending before the U.S. Bankruptcy Court for the Central District of California, and under applicable law.

Very truly yours,



A. Kenneth Hennesay, Jr.

AKH:klf

cc: Dean T. Kirby, Jr.